IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 55068-M of 2006

DATE OF DECISION : 12.09.2006

Jarnail Singh and others

.... PETITIONERS

Versus

State of Punjab and another

..... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. Vikas Bahl, Advocate,
for the petitioners.

* * *

The petitioners have filed this petition under Section 482 of the Code of Criminal Procedure for quashing the complaint No. 142/1/02 (presently 147/1/2005) instituted on 19.12.2000 as well as summoning order and all subsequent proceedings.

2. In the aforesaid complaint, vide order dated 6.8.2004, the petitioners were summoned to face trial under Sections 332/323/324/34 IPC. In the petition, it has been stated that in spite of lapse of more than 5 years and 9 months of the filing of the complaint, even the charge has not been framed against the petitioners. It has been further stated that petitioner No.1 was a Government teacher, who has retired recently; petitioner No.3 is her son, who is young boy of 27 years and is a teacher in Government Elementary School, Pandrowal, at a distance of more than 30 Kms. from the court premises; petitioner No.4 is 58 years old wife of petitioner No.1, who is a heart patient and is unable to move freely; and petitioner No.2 is 36 years old son of petitioner No.1, who is married and has one minor daughter. It has been stated that residence of all the petitioners is more than 25 Kms. from the court premises. It has been alleged that in the aforesaid complaint, all the family members have been falsely implicated and on some occasions, even the complainant does not appear before the trial court.

3. After arguing for some time, counsel for the petitioners states that in view of the aforesaid facts, stated in the petition, the petitioners

restrict their prayer to the extent that they may be permitted to withdraw this petition with liberty to raise all the points raised in this petition before the trial court at the appropriate stage of trial; personal appearance of only petitioners No.3 and 4 may be exempted and the trial may be ordered to be expedited.

4. Keeping in view the facts and circumstances of the case, the petitioners are permitted to withdraw this petition with the aforesaid liberty. Ordered accordingly. However, in case, an application for exemption from personal appearance is filed on behalf of petitioners No.3 and 4, the trial court shall grant them exemption on terms and conditions to be fixed by it. The trial court is also directed to expedite the trial.

September 12, 2006 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**